IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.558 OF 2005
IN
SECOND APPEAL ST.NO.18789 OF 2004

Anand Shivram Chitari .. Applicant
Versus
Smt.Tarabai Shivram Chitari & Ors. Respondents

Mr.Gangadhar J.Sabnis for applicant
Mr.G.H.Keluskar for respondents

CORAM : P.V.KAKADE, J.

DATE : 7TH OCTOBER, 2005

P.C.:

1. Heard both sides.

2. This is an application for condonation of delay of 355 days in filing the Second Appeal against the judgment and order passed by the lower appellate court.

. On perusal of the application and hearing of the learned counsel for the applicant, it is obvious that the applicant was suffering from diabetic and met with an accident to which he was unable to appear before the court. Moreover, the contents of the application also

shows that the applicant had valid reason as can be seen from the record not to file the appeal in time. The learned counsel for the respondents vehemently opposed the application on various grounds including that the applicant was fit to appear for execution proceedings as well as in other matters. However, taking into account the facts and circumstances I am of the view that the dispute is between brother and sisters and it is always desirable to get it adjudicated on merits especially when it is regarding dwelling house of the .

3. Hence the application is made absolute in terms of prayer clause (a) on condition that the applicant shall pay the cost of Rs.2000/=. Out of which Rs.1000/= shall be donated to the State Legal Authority and remaining Rs.1000/= shall be paid to the respondents within two weeks from the date of this order. With this direction the application stands disposed of with no order as to costs.